

### III. REMARKS

1. Claims 2-11, 13, 14, 16, 18, 20, 24, 33-42, and 44-48 remain under consideration. Claims 1, 12, 15, 17, 19, 21-23, 25, and 43 have been cancelled without prejudice. Claims 26-32 are withdrawn. Claims 33, 35, and 46 have been amended.

2. Applicants respectfully maintain that independent claims 33 and 35 have been amended to recite statutory subject matter under 35 USC 101 and therefore dependent claims 2-14, 16-25, 34, 36-42, 44, and 45 also recite statutory subject matter.

3. Applicants respectfully maintain that independent claim 46 has been amended to overcome the 35 USC 112, second paragraph rejection and that claims 46-48 are now definite under 35 USC 112, second paragraph.

4. Applicants respectfully submit that claims 2-14, 16-25 and 33-48 are patentable over the combination of Kadyk et al. (US 6,209,111, "Kadyk"), Graunke et al. (US 5,991,399, "Graunke"), Ginter et al. (US 5,892,900, "Ginter") and Sherer et al. (US 5,459,854, "Sherer") under 35 USC 103(a).

4.1 On page 5 of the present Office Action the Examiner argues that the feature 'describes a content of the device specific content packet and provides information required by the wireless communication device to run the at least one device specific content component storing said device specific content packet' is representative of non-functional descriptive material as the electronic document is not functionally related to the display device.

Applicants respectfully disagree. Claims 33, 35, and 46 substantially recite:

supplementing said at least one device specific content component with a first data structure that includes information related to charging for use of the at least one device specific content component, describes system attributes needed to run the at least one device specific content component, and provides information identifying the content; and

forming at least one device specific content packet as a single file specifically for the particular wireless device from the at least one device specific content component supplemented with the first data structure and a second data structure that describes a

content of the device specific content packet and provides information required by the wireless communication device to run the at least one device specific content component.

It is clear that the claims describe the operation of supplementing a content component with a data structure that includes specific characteristics to form a device specific content packet. The device specific content packet is further supplemented with a second data structure that describes the content and provides information required by the wireless communication device to run the at least one device specific content component. The resulting file is clearly functionally related to a wireless communication device because the file is formed specifically for the wireless communication device and it includes information required by the wireless communication device to run the at least one device specific content component.

The Examiner seems to think that the term 'describe' means displaying (some information). However, the term describes means that the data structure includes information which the device can use when the device is going to run the device specific content component. This is not related to displaying any information but to run (execute) the component. This is clearly a technical feature and the Examiner should take it into consideration when evaluating the scope of the claims. Furthermore, the Applicant respectfully submits that these features are not disclosed, taught, or suggested by any of the cited references.

4.2 As to the Kadyk et al reference (the bibliographic data shows that the applicants are Kadyk et al, not Kaydyk et al) the applicant disagrees with the Examiner. In col. 11 lines 5—63 Kadyk teaches that a message can be transmitted as two similar instances and if, for some reason, the first instance is not properly received the device can use the second instance either alone, if it is received error-free, or as a combination of the first instance and the second instance so that the combination is as error-free as possible. There is nothing in Kadyk which would disclose, teach, or suggest: *supplementing said at least one device specific content component with at least one data structure that describes system attributes needed to run the at least one device specific content component and provides information identifying the content.* Therefore, the applicant respectfully disagrees with the Examiner's interpretation of Kadyk. The arguments of previous responses are also incorporated by reference.

The feature "forming the device specific content packet as a single file specifically for the wireless communication device" is also not taught by Kadyk et al. The optional merging of the

two message instances is performed in the receiving device, not in the transmitting device. Moreover, the contents of the two instances is similar to each other. Hence, there cannot be a first data structure in the first instance and a second data structure in the second instance.

As a general note, some words or sentences seems to be missing at the end of page 5 where the rejection ends abruptly with: "...similar arrangement for Kaydyk et al because packet"?.

4.3 As to the Sherer et al. the Examiner argues that it discloses examining the data structure of the device specific content packet to identify download properties of the device specific content packet and compatibility of the at least one device specific content component with the particular wireless device;

The applicant respectfully disagrees. On col. 5, lines 52—62 Sherer et al discloses

Such a driver requires certain functional blocks in all of the host variant architectures. For example, one functional block is the TransmitChain procedure. In the initialization module, several different versions of the TransmitChain procedure are stored in a TransmitChain segment. One version is written for a 286 environment, one for a 386 environment, and so on. During initialization, the device driver determines its environment and selects the appropriate TransmitChain procedure for that environment. The selected procedure is then moved to the beginning of the TransmitChain segment.

This passage does not disclose to identify download properties of the device specific content packet. The selected procedure is moved to the beginning of the TransmitChain segment. There is nothing which would indicate that download properties were examined.

Moreover, claim 33 defines:

selecting at least one device specific content component which said examining indicated is compatible with the particular wireless device;

forming at least one device specific content packet from the at least one device specific content component supplemented with the data structure;

supplementing the at least one device specific content packet with a data structure that describes a content of the device specific content packet and provides information required by the wireless communication device to run the at least one device specific content component

There is no teaching whatsoever in these documents which would reveal that properties of a wireless communication device are examined, a device-specific content component corresponding to the property of the wireless communication device is selected from a set of different versions, the device-specific content component is supplemented with a first data structure including information related to description properties of the device-specific content component, information related to charging for use of the selected device-specific content component, and system attributes of the selected device-specific content component, the device-specific content packet is formed as a single file, and the packet is included with the first data structure and a second data structure.

Because none of the references disclose or suggest these features, the combination of Kadyk, Graunke, Ginter and Sherer fails to disclose or suggest all the features of claims 33, 35, and 46 and fails to render claims 2-14, 16-25 and 33-48 unpatentable.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,

/jvg44695/  
Joseph V. Gamberdell, Jr.  
Reg. No. 44,695

09 April 2010  
Date

Perman & Green, LLP  
99 Hawley Lane  
Stratford, CT 06614  
(203) 259-1800  
Customer No.: 2512